

ORDINANCE NO. 07-51

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA APPROVING AND ADOPTING A CITY OF HIALEAH LANDSCAPE MANUAL AND PROVIDING THAT A COPY OF THE CITY OF HIALEAH LANDSCAPE MANUAL SHALL BE FILED IN THE OFFICE OF THE CITY CLERK FOR PUBLIC INSPECTION AND REFERENCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of May 9, 2007 recommended approval of this ordinance; and

WHEREAS, the purpose and intent of this ordinance is to provide comprehensive landscape regulations to use in conjunction with the Miami-Dade County Landscape Manual and to the extent that there is a conflict between the County landscape manual and the City landscape manual, the City landscape manual and the provisions of the Hialeah Code shall prevail.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The Mayor and the City Council of the City of Hialeah, Florida hereby approve and adopt a City of Hialeah Landscape Manual, a copy of which is attached hereto and made a part hereof as Exhibit "1" and a copy of which shall be filed in the Office of the City Clerk for public inspection and reference.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

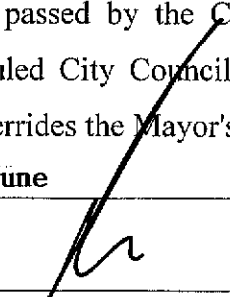
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 12 day of June, 2007.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



Esteban Bovo
Council President

Attest:



Rafael E. Granado, City Clerk

Approved on this 14 day of June, 2007.



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

Ordinance was adopted by a
unanimous vote with
Councilmembers Bovo, Caragol,
Casals-Muñoz, Gonzalez, Hernandez,
Miel and Yedra voting "Yes".

City of Hialeah

LANDSCAPE MANUAL

The purpose and intent of this manual is to provide comprehensive landscape regulations to use in conjunction with the Miami-Dade County Landscape Manual and the provisions of the City of Hialeah Code of Ordinances.

Minimum standards

The following standards shall be considered minimum requirements:

(A) Lawn area (turf)

- (1) Grass areas shall be planted in species well-adapted to localized growing conditions in Miami-Dade County. Grass areas may be sodded, plugged, sprigged, hydro-mulched, or seeded except that solid sod shall be used in swales or other areas subject to erosion. In areas where other than solid sod or grass seed is used, overseeding shall be sown for immediate effect and protection until coverage is otherwise achieved.
- (2) Exclusions from maximum permitted lawn areas:
 - (a) Stabilized grassed area used for parking;
 - (b) Grassed areas designated on landscape plans and actively used for sports, playgrounds or picnic areas;
 - (c) Grassed areas in the right-of-way; and
 - (d) Storm water retention/detention areas planted in grasses that are drought tolerant, as referenced in the Landscape Manual, as well as tolerant to wet soils.

(B) Irrigation

- (1) All newly-planted and relocated plant material shall be watered by temporary or permanent irrigation systems until such time as they are established.
- (2) Irrigation shall be prohibited within native plant communities and natural forest communities, except for temporary systems needed to establish newly planted material. Temporary irrigation systems shall be disconnected immediately after establishment of plant communities.
- (3) Irrigation systems shall be designed to conserve water by allowing differential operation schedules based on hydrozone.
- (4) Irrigation systems shall be designed, operated, and maintained to not overthrow or overflow onto impervious surfaces.
- (5) Low trajectory spray heads, and/or low volume water distributing or application devices, shall be used. Overhead irrigation systems shall only be permitted in bonafide agricultural activity areas.
- (6) Gray water shall be used where approved systems are available.
- (7) During dry periods, irrigation application rates of between one (1) and one and one-half (1 1/2) inches per week are recommended for turf areas.
- (8) A moisture or rain sensor device shall be required on all irrigation systems equipped with automatic controls.
- (9) Irrigation systems shall be timed to operate only during hours and on days permitted.
- (10) If an irrigation system is not provided, a hose bib shall be provided within seventy-five (75) feet of any landscaped area. This will be allowed only for landscaping areas that exist prior to the effective date of this landscape manual.

(11) Required landscaping that is installed in addition to the Hialeah Code and the latest edition of the Miami-Dade County Landscape Manual, during the construction and/or renovation of properties within the city, shall be required to have an appropriate irrigation system installed and maintained in order to ensure the survival and growth of the installed landscaping.

(12) It shall be the responsibility of the owner and/or lessee of developed real property within the city, for which a building permit is issued subsequent to the adoption date of this landscape manual, and for which an irrigation system is required, to perpetually maintain such irrigation system in an operable condition.

(13) Required irrigation systems shall comply with the provisions of section 8 of the Irrigation Design Standards of the Model Landscape Code of the South Florida Water Management District.

(14) Failure to comply with the provisions of this landscape manual may result, at the discretion of the city, in penalties as provided in the Hialeah Code.

(15) Single-family, duplex, and townhouse developments shall be exempted from the provisions herein except to the extent that such developments include common areas. Common areas shall be subject to the provisions herein.

(C) Trees

(1) Tree size. All trees, except street trees and trees located beneath power lines, shall be a minimum of twelve-to-fourteen (12'-14') feet high and have a minimum caliper of three (3) inches, and a minimum canopy of six (6) feet at time of planting except that 30% of the tree requirement may be met by native species with a minimum height of ten (10) feet and a minimum caliper of two and one-half (2 1/2) inches at time of planting.

(2) Street tree size and spacing. Street trees shall be of a species typically grown in Miami-Dade County that normally matures to a height of at least twenty (20) feet. Street trees shall have a clear trunk of four (4) feet, an overall height of twelve (12) feet and a minimum caliper of three (3) inches, and a minimum of six (6) feet of canopy at time of planting, and shall be provided along all roadways at a maximum average spacing of thirty-five (35) feet on center, except as otherwise provided in the Hialeah Code and as provided herein. Street trees are not required when a colonnade open to the public is located within four (4) feet of the edge of the roadway. The thirty-five (35)-foot average spacing requirement for multiple single family units such as zero-lot-line and townhouse shall be based on the total lineal footage of roadway for the entire project and not based on individual lot widths. Street trees shall be placed within the swale area or shall be placed on private property where demonstrated to be necessary due to right-of-way obstructions as determined by the Streets Department. Street trees planted along private roadways shall be placed within seven (7) feet of the edge of roadway pavement and/or where present within seven (7) feet of the sidewalk.

(3) Power lines. Where the height and location of overhead power lines requires the planting of low growing trees, street trees shall have a minimum height of ten (10) feet, a minimum caliper of two and one-half (2 1/2) inches, and a minimum canopy of six (6) feet at time of planting, and shall meet the following requirements:

(a) Single trunk trees clear of lateral branches to four (4) feet and/or multi-trunk trees or tree/shrubs, as referenced in the Miami-Dade County Landscape Manual, cleared of foliage to a height of four (4) feet.

(b) A maximum average spacing of twenty-five (25) feet on center.

(c) Maturing to a height and spread not encroaching within five (5) feet of overhead power distribution lines.

(d) Under high voltage (50kV and above) transmission lines installed independent of and under built distribution lines, tree height and spread shall not exceed the minimum approach distances specified in the current ANSI (American National Standards Institute) Z133.1 Standards, as referenced in the Miami-Dade County Landscape Manual.

(4) Palms. Palms that meet all of the following requirements shall count as a required street tree on the basis of one (1) palm per tree.

(a) Minimum canopy of fifteen (15) feet at maturity.

(b) Provided at an average maximum spacing of twenty-five (25) feet on center.

(c) Fourteen (14)-foot minimum overall height or minimum caliper of four (4) inches at time of planting.

It is provided, however, that queen palms (*Syagrus romanzoffiana*) shall not be allowed as street trees.

(5) Grassed areas that are to be used for organized sports, such as football and soccer or other similar sports or playgrounds, that are clearly identified on a landscape plan shall not be counted toward calculating tree requirements.

(6) Trees shall be planted to provide shade to residential structures having a height of thirty-five (35) feet or less. At least two (2) required lot trees shall be positioned in the energy conservation zone as defined in the Miami-Dade County Landscape Manual. All exterior air conditioning units, except for air conditioning units placed on the roof, shall be shaded by trees and/or shrubs as referenced in the Miami-Dade County Landscape Manual.

(7) Palms of a fourteen (14)-to-sixteen (16) feet minimum overall height with a minimum caliper of four (4) inches at time of planting shall count as a required tree on the basis of two (2) palms-per tree, except as provided herein for selected palms eligible for use as street trees. No more than 30% of the minimum tree requirements may be satisfied by utilizing palm trees.

(8) Existing trees required by law to be preserved on site and that meet the requirements of this landscape manual may be counted toward fulfilling the minimum tree requirements.

(9) Prohibited and controlled tree species shall not be counted toward fulfilling minimum tree requirements. Prohibited trees shall be removed from the site.

(10) Thirty percent (30%) of the required trees and/or palms shall be native species.

(11) In order to prevent adverse environmental impacts to existing native plant communities, only existing Sabal Palmettos (Cabbage Palms) shall be used to satisfy minimum tree and native plant requirements, except that Cabbage Palms that are rescued from government-approved

donor sites, transplanted within the site, or commercially grown from seed shall be counted towards the minimum tree and native plant requirements.

(12) When trees are planted within the right-of-way, the owners of land adjacent to the areas where street trees are planted must maintain those areas including the trees, plants and sod, using pruning methods specified in the Miami-Dade County Landscape Manual.

(13) Consideration shall be given to the selection of trees, plants and planting site to avoid serious problems such as clogged sewers, cracked sidewalks, and power service interruptions.

(D) Shrubs, vines, ground covers, mulch, buffers, plant quality, stormwater retention and detention areas, native species.

(1) All shrubs shall be a minimum of eighteen (18) inches in height when measured immediately after planting. Shrubs shall be provided at a ratio of ten (10) for each required tree. Thirty percent (30%) of the shrubs shall be native species.

(2) When used as a visual screen, buffer, or hedge, shrubs shall be planted at a maximum average spacing of thirty (30) inches on center or if planted at a minimum height of thirty-six (36) inches, such shrubs shall have a maximum average spacing of forty-eight (48) inches on center and shall be maintained so as to form a continuous, unbroken and solid visual screen within one (1) year after time of planting. Shrubs used as a buffer, visual screen, or hedge need not be of the same species.

(3) Vines. Vines shall be a minimum of twelve (12) inches in length immediately after planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as specified. Planting of perimeter walls with vines is recommended as a deterrent to graffiti.

(4) Ground covers. Ground cover plants used in lieu of grass, in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one (1) year after planting.

(5) Mulch.

(a) Weed-free mulch shall be applied and maintained in a minimum three (3) inch layer under and around all trees and shrubs, and in a minimum two (2) inch layer under and around all ground cover.

(b) The use of mulch shall be restricted to planting areas.

(c) Cypress mulch shall not be used because its harvest degrades cypress wetlands.

(6) Buffers between dissimilar land uses. Where dissimilar land uses exist on adjacent properties, and where such areas will not be entirely visually screened by an intervening building or structure from abutting property, the unscreened portion of such area shall be provided with a buffer consisting of a six (6)-foot CBS or prefabricated concrete wall or fence. Shrubs may be required along the wall or fence, and shall have a minimum of thirty (30) inches in height at time of planting, and shall be planted at a maximum average spacing of thirty-six (36) inches on center, or a minimum of thirty-six (36) inches in height at time of planting and planted at a

maximum average spacing of forty-eight (48) inches on center. Such buffer shall form a continuous screen between the dissimilar land uses within one (1) year after planting. A buffer screening dissimilar uses shall include trees planted at a maximum average spacing of thirty-five (35) feet on center within a minimum five (5)-foot landscaped strip.

(7) Parking lot buffers. All parking lots adjacent to a right-of-way or private street shall be screened by a continuous planting and/or three (3)-foot high wall within a seven (7)-foot landscaped strip incorporating said planting and/or wall on private property. The seven (7)-foot landscape buffer may be reduced subject to the inclusion of improved design features on the site upon approval of the Planning and Zoning Official. Planting material at time of planting shall be either a minimum height of eighteen (18) inches with a maximum average spacing of thirty (30) inches on center, or a minimum height of thirty-six (36) inches with a maximum average spacing of forty-eight (48) inches on center.

(8) Landscaped areas in parking lots. Ten (10) square feet of landscaped area for each parking space shall be provided within a parking lot. In order to maximize the distribution of shade, trees shall be planted throughout the interior of the parking lot at a minimum density of one (1) tree per eighty (80) square feet of landscaped area, exclusive of parking lot buffers. A landscaping island is required at a minimum of ten (10) parking spaces for shade distribution. Planting areas for each tree shall have a minimum width of five (5) feet, exclusive of the curb dimension, and shall be planted or covered with other landscape materials. This requirement is in addition to any applicable required open space as provided in the Hialeah Code.

(9) Plant quality.

(a) Plants installed shall conform to, or exceed, the minimum standards for Florida Number One as provided in the most current edition of "Grades and Standards for Nursery Plants, Part I and II," prepared by the State of Florida Department of Agriculture and Consumer Services.

(b) Trees installed shall have one (1) primary vertical trunk and secondary branches free of included bark up to a height of six (6) feet above natural grade.

(10) Storm water retention/detention areas.

(a) Storm water retention/detention areas shall be designed to maximize the perimeter dimension, where feasible.

(b) Storm water retention/detention areas shall be planted throughout with native herbaceous facultative plants, with the following exceptions:

(1) In areas that are designated and actively used for play and/or picnic areas, overflow parking, or sports shall be planted with grasses which are drought tolerant, as referenced in the Landscape Manual, as well as tolerant to wet soils.

(2) In areas where the minimum required stormwater retention capacity would be adversely affected.

(c) The minimum required number of native herbaceous facultative plants shall be one (1) plant for each square foot of retention/ detention area, including the slope. Minimum required herbaceous plant container size shall be one and one-half (1 1/2) inches, commonly, referred to as a liner. Sprigging, seeding, plugging, hydro-mulching or sodding with native herbaceous facultative plants grown from local seed sources may be used in lieu of liners. Herbaceous plants

shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one (1) year after planting.

(d) Native facultative trees or shrubs may be used in lieu of native herbaceous facultative plants, provided that the minimum required stormwater retention capacity is not adversely affected.

(E) Tree and lawn requirements by zoning classification

All properties located in the area known as Hialeah Heights or properties that exceed a lot area of 10,000 sq ft shall increase by 25% the number of trees required by this table.

TABLE A (See Note below regarding street trees)

LAND USE OR ZONING DISTRICT	NUMBER OF TREES REQUIRED		MINIMUM LAWN AREA (pervious)	
	Per Acre of Net Lot Area	Per Lot	Percent of Net Lot Area	Percent of Required Open Space
SINGLE FAMILY RESIDENTIAL AND DUPLEX				
R-1	-	3	30%	-
R-2 (duplex)	-	6	30%	-
RZ (zero lot line)	-	3	30%	-
TOWN HOUSE				
R-4	28	3	30%	
MULTI-FAMILY RESIDENTIAL				
R-3-1/5	28	-	30%	30%
RH-3M	28	-	30%	30%
RH-3MM	28	-	30%	30%
CR	28	-	20%	15% (res.) 20% (Non-Residential)
R-3-D	28	-	30%	
CBD	28	-	20%	
COMMERCIAL				
C-1	22	-	18%	20%
C-2	22	-	18%	20%
C-3	22	-	18%	20%
C-4	22	-	18%	20%
R-O (residential office)	22	-	20%	20%
OPS (Office & Professional Services.)	22	-	30%	20%
B-1	22	-	18%	20%
INDUSTRIAL				
M-1	15	-	10-12%	20%
M-2	15	-	10-12%	20%

M-3	15	-	10-12%	20%
MH industrial district	15	-	15%	20%
MISCELLANEOUS ZONING DISTRICTS AND LAND USES				
Private Educational Facilities	28	-	30%	40%
All Other Zoning Districts	28	-	60%	-

In addition to the number of trees indicated in Table A, additional trees (street trees) may be required by the Streets Department.

(F) Landscape plan review criteria

All landscape plans shall be reviewed by the Planning Division and where existing trees or natural forest communities are involved, the Department of Environmental Resources Management. Landscape plans shall be reviewed in accordance with the following goals and objectives and the guidelines and illustrations provided in the Miami-Dade County Landscape Manual:

- (1) Landscape design shall enhance architectural features, relate structure design to the site, visually screen dissimilar uses and unsightly views, reduce noise impacts from major roadways and incompatible uses, strengthen important vistas and reinforce neighboring site design and architecture.
- (2) Existing specimen trees, native vegetation (including canopy, under story, and ground cover) and Natural Forest Communities shall be preserved to the maximum extent possible.
- (3) In order to conserve water, reduce maintenance, and promote plant health, plant species shall be selected and installed based on their water needs, growth rate and size, and resource inputs. Plants with similar water needs shall be grouped in hydro zones. Adequate growth area, based on natural mature shape and size shall be provided for all plant materials.
- (4) The plan shall include the use of native plant species in order to re-establish an aesthetic regional quality and take advantage of the unique diversity and adaptability of native species to the environmental conditions of South Florida. Where feasible, the re-establishment of native habitats shall be incorporated into the landscape plan.
- (5) Trees and shrubs shall be planted in the energy conservation zone where feasible, in order to reduce energy consumption by shading buildings and shall be used to reduce heat island effects by shading paved surfaces.
- (6) Street trees shall be used to shade roadways and provide visual order. Where feasible, selected species shall be used to establish a road hierarchy by defining different road types.
- (7) Special attention shall be given to the use of appropriate species located under, or adjacent to overhead power lines, and near native plant communities and near underground utility lines. Adequate growth area shall be provided for all plant materials.
- (8) Landscaping shall be designed in such a way as to provide safe and unobstructed views at intersections of roadways, driveways, recreational paths and sidewalks according to Miami-Dade County and city requirements.
- (9) Historic landscapes and landscape features designated by local, state or federal governments shall be preserved.

(G) Landscape Legend Information Required to be Permanently Affixed to Plan

All landscape plans shall include the landscaped legend and table detailed in samples below.

Landscape Legend Information

Zoning District: _____

Net Lot Area _____ Acres _____ s.f.

OPEN SPACE

REQUIRED PROVIDED

- | | | |
|--|-------|-------|
| A. Square Feet of open space required by City of Hialeah Landscape Manual as indicated on site plan: | _____ | _____ |
| B. Square Feet of parking lot open space required by City of Hialeah Landscape Manual as indicated on site plan: | _____ | _____ |
| C. Total s.f. of landscaping open space required by A+B= | _____ | _____ |

TREES

- | | | |
|---|-------|-------|
| A. No. trees required per lot acre (Table A)
Less existing number of trees meeting minimum requirements
= _____ trees x net lot acres = | _____ | _____ |
| B. % Palms Allowed: No. trees provided x 30% =
% Palms permitted to count as street trees on 1:1 basis x 30% | _____ | _____ |
| C. % Natives Required: No. trees provided x 30% = | _____ | _____ |
| D. Street trees (maximum average spacing of 35' o.c.):
_____ linear feet along street / 35 = | _____ | _____ |

SHURBS

- | | | |
|--|-------|-------|
| A. No. trees required x 10=No. of shrubs allowed | _____ | _____ |
| B. No shrubs allowed x 30% = No. of native shrubs required | _____ | _____ |
- IRRIGATION PLAN REQUIRED**

TABLE: Containing information as indicated in sample below shall reference symbols used on the plan:

Symbol Used On Plan			Plant Name		Native Species		Caliper	Height		Canopy Diameter	Quantity
Symbol	New	Existing	Scientific	Common	Yes	No	Installed	Installed	Estimated at Maturity*	Estimated at Maturity*	

Landscaping and irrigation certification for residential-office, multiple family, commercial and industrial developments

(1) All landscaping and irrigation on residential-office, commercial, industrial properties and multi-family developments must be installed according to certified plans approved by the city before a certificate of occupancy is issued. The landscaping and irrigation plan shall be signed and sealed by a landscape architect or the professional of record.

(2) A preparer's Certification of Landscape Compliance, as detailed in samples below, bearing the seal of the designing professional and licensing number shall be submitted to and approved by the Department of Planning and Zoning prior to issuance of any final Certificate of Occupancy or Certificate of Completion. The preparer's Certification of Landscape Compliance shall contain a statement, signed and sealed by the landscape architect or by person(s) authorized to prepare plans by Chapter 481, Florida Statutes, who prepared the approved plans, that the landscape and irrigation plans have been implemented and that all requirements of this manual Hialeah Code have been met. Any changes or substitutions to the approved plan shall be approved by the original designing firm prior to the implementation of said changes and substitutions. All changes or substitutions to the approved plan shall be noted on all copies. Changes and substitutions of plant material shall be of similar quality, quantity and size, as originally approved and shall be in compliance with the intent and requirements of this chapter.

(3) For a new single-family, duplex residence on its own lot or applicable existing development, the owner or owner's agent may certify in writing that landscape and irrigation have been installed according to approved plan(s).

(4) The Planning Division shall have the right to inspect all projects for compliance prior to issuance of a Certificate of Occupancy or Certificate of Completion.

City of Hialeah Building Department
Owner Builder Single Family
Certificate of Compliance
For Final Inspection

Permit Number: _____

Job Address: _____

Lot _____ Block _____

Subdivision: _____

P.B. _____ Page: _____

(or meets and bounds legal description):

I/we hereby certify that the landscaping and sprinkler system (if applicable) located at the above mentioned address, have been installed in compliance with the approved plans and that all requirements of chapter 18A of the Code of Miami-Dade County, Florida and Hialeah Code §§ 98-2231, 98-2234 et seq., have been met.

Owner's Signature

Agent's Signature

Print Name

Print Name

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, of _____ Corporation, on behalf of the corporation. He/She is personally known to me or has produced _____, as identification and did/did not take an oath.

Witness my signature and official seal this _____ day of _____, 20____, in the County and State aforesaid, the date and year last aforesaid.

Notary Public

Print Name

City of Hialeah Building Department

**Professional Preparer's
Statement of Landscaping
Compliance**

Permit Number: _____ Development Name: _____

Job Address: _____ Lot _____ Block _____

Subdivision: _____ P.B. _____ Page: _____

(or meets and bounds legal description):

I/we hereby certify that the landscaping /irrigation plan being submitted for the above mentioned address, complies with the requirements of Chapter 18A of the Code of Miami-Dade County, Florida and Hialeah Code §§ 98-2231, 98-2234 et seq. As to species, height, trunk width and location at time of planting, and that the species as shown are in accordance with the accepted species approved by Miami-Dade County and that none of the species are from the prohibited list.

Additionally, automatic sprinkler system (if applicable) comply with requirements of said ordinance as to type of heads, spray system, location, etc.

Professional Preparer's Signature

Seal:

Print Name

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, of _____ Corporation, on behalf of the corporation. He/She is personally known to me or has produced _____, as identification and did/did not take an oath.

Witness my signature and official seal this _____ day of _____, 20____, in the County and State aforesaid, the date and year last aforesaid.

Notary Public

Print Name

Waiver of minimum landscaping requirements; landscape mitigation

The city council, by ordinance, may waive the minimum landscaping requirements of the Miami-Dade County Landscape Manual. Such a waiver must be predicated on physical limitations and restrictions on the property. In order to protect and maintain the tree canopy and landscape cover of the city, the grantee of a waiver of minimum landscaping requirements shall mitigate the loss of tree canopy and landscape cover on the affected property by providing new, viable trees and landscaping acceptable to the city as represented by the difference between the required number of trees and landscaping (shrubbery and ground cover) and the actual number of trees and landscaping allowed by waiver granted by the city. The trees and landscaping shall be delivered to the city for planting in areas within the city, such as parks, recreation and open spaces and street medians, as designated by the city. The city may accept a monetary equivalent to the value of the trees and landscaping to be delivered.

Renovation and remodeling of residential-office, commercial, industrial and multiple family developments; supplemental landscaping

If a building permit is issued for renovating or remodeling a development within a residential-office, multiple family, commercial or industrial-zoned property, without increasing the square footage of floor space, the city **reserves the right**, during site plan review prior to issuing the building permit, to require additional trees and landscaping to supplement existing landscaping.

Landscape maintenance

(A) An owner is responsible to ensure that landscaping required to be planted pursuant to this manual and the Hialeah Code, or the ordinances which were in effect prior to the effective date of this manual, is: (1) installed in compliance with the landscape requirements; (2) maintained as to present a healthy, vigorous, and neat appearance free from refuse and debris; and (3) sufficiently fertilized and watered to maintain the plant material in a healthy condition.

(B) If any tree or plant dies which is being used to satisfy current landscape code requirements, such tree or plant shall be replaced with the same landscape material or an approved substitute.

(C) Trees shall be pruned in the following manner:

(1) All cuts shall be clean, flush and at junctions, laterals or crotches. All cuts shall be made as close as possible to the trunk or parent limb, without cutting into the branch collar or leaving a protruding stub.

(2) Removal of dead wood, crossing branches, weak or insignificant branches, and sucker shall be accomplished simultaneously with any reduction in crown.

(3) Cutting of lateral branches that results in the removal of more than one-third (1/3) of all branches on one (1) side of a tree shall only be allowed if required for hazard reduction or clearance pruning.

(4) Lifting of branches or tree thinning shall be designed to distribute over half of the tree mass in the lower two-thirds (2/3) of the tree.

(5) No more than one-third (1/3) of a tree's living canopy shall be removed within a one (1) year period.

(6) Trees shall be pruned according to the current ANSI A300 Standards and the Landscape Manual.

Prohibitions

(A) Prohibited plant species. Prohibited species shall not be planted and shall be removed from any site which is subject to the requirements of this chapter.

(B) Controlled plant species. Controlled species shall not be planted within five hundred (500) feet of a Natural Forest Community or native habitats as defined herein.

(C) West Indian Mahogany. West Indian Mahogany, *Swietenia mahogany*, shall not be planted within five hundred (500) feet of a Rockland hammock or pine Rockland.

(D) Tree abuse. Tree abuse is prohibited. Abused trees shall not be counted toward fulfilling the minimum tree requirements.